

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICHARD MARINO,

Plaintiff,

against –

GLOBAL CAPITAL HOLDINGS MANAGEMENT,
LLC and JOSEPH PALLADINO

Defendants.

07 CV 7726(RJH)(DFE)

ANSWER

JURY TRIAL DEMANDED

GLOBAL CAPITAL HOLDINGS MANAGEMENT, LLC and JOSEPH PALLADINO, by their undersigned attorney, by way of Answer to Plaintiff's Complaint, say:

1. Defendants have no knowledge or belief as to the accuracy of the allegations of Paragraph 3 and leave Plaintiff to his proof.
2. Defendants assert that the allegations of Paragraph 1 and Paragraph 2 contain conclusions of law to which no response is required.
3. Defendants admit the allegations of Paragraphs 4 and 5 except deny that Joseph Palladino resides at 244 5th Avenue and admit the authenticity of Exhibits 1, 3, and 4.
4. Defendants deny each and every other allegation in the Complaint and state that various contractual agreements bound some or all of the parties, and that they owe Plaintiff nothing.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the Statute of Limitations and/or the Statute of Frauds.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of waiver.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by laches.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by estoppel.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by ratification.

SIXTH AFFIRMATIVE DEFENSE

Defendants' actions of which Plaintiff complains were all done pursuant to contracts with Plaintiff.

SEVENTH AFFIRMATIVE DEFENSE

Defendants' actions of which Plaintiff complains were all done in reliance on irrevocable consents given by Plaintiff.

WHEREFORE, Defendants demand that the Complaint be dismissed with costs and disbursements, interest, and attorneys' fees, and such other and further relief as to the Court may seem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure Defendants do hereby demand a jury trial on all issues properly triable to a jury.

Dated: New York, NY
November 8, 2007

Law Offices of Joseph R. Sahid
Attorney for Defendants

By: _____s/_____
Joseph R. Sahid
(JS 4027)

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